

LEGISLATIVE PROCEEDINGS.

SENATE.

Thursday, January 16, 1851.
The Senate met according to adjournment.
REPORTS FROM COMMITTEES.
Mr. Barringer, from the committee on Propositions and Grievances, reported the bill to compensate the Clerk of the Public Treasurer for additional duties performed by him, and recommended its passage. Laid on the table.
Mr. Thomas, from the committee on Internal Improvements, reported the bill for the improvement of Ship navigation in New River, and recommended its passage. Laid on the table.
Mr. Washington, from the committee on the Judiciary, reported a bill upon the subject of admitting private pay pupils at the Institution for the Deaf and Dumb and recommended its passage. Read first time.

Mr. Shepard, from the committee on Education and the Literary Fund, reported a bill on the subject of Indian Missions, and recommended its passage. Read first time.
Mr. Hoke, from the Judiciary committee, reported favorably the bill for the better administration of justice in Currier County. Laid on the table.

BILLS, RESOLUTIONS, &c.
The bill to extend the jurisdiction of Justices of the Peace in certain cases was read the second time. On motion of Mr. Shepard, said bill was amended, and it then passed—yeas 31, nays 11.

The bill for the promotion and encouragement of manufactures in this State, was read the second time and rejected.

On motion of Mr. Lillington, the Senate took up the appeal heretofore made by him from the decision of the Chair, on the motion to reconsider a second time the vote by which the bill concerning the Wilmington and Manchester Railroad Company was rejected; which decision was, that after a vote rejecting a bill was once taken, a second vote rejecting a second time, a motion again to reconsider was not in order. The decision of the Chair was sustained—yeas 23, nays 17.

The Senate now took up the bill to change the mode of dividing the proceeds of the Literary Fund, so as to distribute them according to white population. Said bill was rejected—yeas 13, nays 24.

On motion of Mr. Barringer, the Senate now proceeded to the consideration of the Preamble and Resolutions, heretofore introduced by him, as follows:

WHEREAS, the Southern States of the Union have long acquiesced in a revenue system on the part of the Federal Government, which it is believed would promote the prosperity and independence of the country; large, but which was understood all the while as peculiarly favoring the mining and manufacturing interests of the North; and whereas, the advantages accruing to that party by this system have seemed only to increase the disposition and ability of the non-slaveholding States to persevere in their unconstitutional, unjust and fatal aggression upon the rights of the slaveholding States, by voting 1st. *Be it therefore Resolved*, That it is the true policy of the slaveholding States hereafter to oppose any and all increase in the present rates of duty on foreign imports, beyond what may be absolutely necessary for an economical administration of the General Government.

2d. *Be it further Resolved*, That a copy of the foregoing Preamble and Resolutions be transmitted to each of our Senators and Representatives in Congress, with the request that they use their best efforts to carry out the principle herein set forth.

Said Preamble and Resolutions were then put to the Senate and unanimously adopted.

On motion of Mr. Bower, the rule was suspended and said Preamble and Resolutions were read the third time and ordered to be engrossed.

On motion of Mr. Bower, Resolutions of a similar character, from the Commons, introduced into that body by Mr. Erwin, were then taken up. The Preamble and Resolutions were then read as follows:

WHEREAS, the Southern States of this Union have, since the formation of the Federal Government, fostered and nourished the manufacturing and mining interests of the non-slaveholding States, by voting to impose high taxes on importations from foreign countries, which might come in competition with the productions of the labor and industry of the aforesaid non-slaveholding States; and whereas, these acts of generosity and self-sacrifice have been unappreciated at the North, and the people of that section show a disposition to make unceasing attacks upon our institutions and property; therefore

Resolved, That the State of North Carolina feels herself under no further obligations, by the votes of her representatives in Congress or otherwise, to protect the "home industry" of the non-slaveholding States.

Resolved, That if any other industry needs protection, it can be best effected by State than by Congressional legislation.

Resolved, That the present tariff is high enough to afford sufficient revenue to carry on an economically administered government, and ought not to be increased.

Resolved, That the foregoing Resolutions be transmitted to our members in both Houses of Congress, with a request that they lay them before their respective Houses, and with the further request that they vote against any change in the present tariff laws, which may have the effect to protect or encourage the manufacturing or mining interests of the free States, or which may have the effect to increase the cost to the Southern consumers of any of the products of foreign countries.

Pending the consideration of these Resolutions the Senate took a recess.

THREE O'CLOCK, P. M.

The Senate re-assembled and resumed the consideration of the unfinished business of the morning, being the engrossed Resolutions from the Commons, signed by the Speaker of the House of Representatives.

The question being on the adoption of the first Resolution, Mr. Haughton moved to amend said Resolution by adding the following: "Except what may be absolutely necessary for an economical administration of the government." Rejected—yeas 17, nays 23.

The first Resolution then passed, as follows:

YEAS—Messrs. Barrow, Barringer, Berry, Bower, Bunting, Bynum, G. W. Caldwell, Cameron, Clarke, Collins, Drake, Hargrave, Herring, Hester, Hoke, Jones, Lillington, Malloy, Nixon, Richardson, Pender, Rogers, Shepard, Sherod, Speight, Thomas, Thompson, Watson, Willey, Williamson, Wooten, Canady, and Watt—34.

NAYS—Messrs. Bond, T. R. Caldwell, Eborn, Grist, Haughton, Joyner, Kelly, Lane, Sessions, and Woodfin—10.

After ineffectual attempts to amend it, the second Resolution was adopted as follows:

YEAS—Messrs. Barrow, Barringer, Berry, Bower, Bunting, Bynum, G. W. Caldwell, Cameron, Clarke, Collins, Drake, Hargrave, Herring, Hester, Hoke, Jones, Nixon, Richardson, Rogers, Shepard, Sherod, Speight, Thompson, Watson, Willey, Williamson, Wooten, Canady, and Watt—34.

NAYS—Messrs. Bond, T. R. Caldwell, Eborn, Grist, Haughton, Joyner, Kelly, Lane, Sessions, and Woodfin—10.

The third Resolution was then adopted, as follows:

YEAS—Messrs. Barrow, Berry, Bower, Bunting, Bynum, G. W. Caldwell, Cameron, Canady, Clarke, Collins, Drake, Hargrave, Herring, Hester, Hoke, Jones, Nixon, Richardson, Rogers, Shepard, Sherod, Speight, Thompson, Watson, Willey, Williamson, Wooten, Canady, and Watt—35.

NAYS—Messrs. Bond, T. R. Caldwell, Eborn, Grist, Haughton, Joyner, Kelly, Lane, Sessions, and Woodfin—16.

The fourth Resolution was then adopted, as follows:

YEAS—Messrs. Barrow, Berry, Bower, Bunting, Bynum, G. W. Caldwell, Cameron, Canady, Clarke, Collins, Drake, Hargrave, Herring, Hester, Hoke, Jones, Nixon, Richardson, Rogers, Shepard, Sherod, Speight, Thompson, Watson, Willey, Williamson, Wooten, Canady, and Watt—35.

NAYS—Messrs. Bond, T. R. Caldwell, Eborn, Grist, Haughton, Joyner, Kelly, Lane, Sessions, and Woodfin—16.

The Preamble was then adopted by about the same vote.

BILLS ON THEIR THIRD READING.

The bill to amend the act incorporating the Greensborough and Mount Airy Turnpike Company—the bill empowering the County Court of Stokes and Forsythe to appoint Superintendents of Common Schools—the bill to incorporate the Roanoke and Chowan Steamboat Company—the bill concerning the Seaboard and Roanoke Railroad Company—the

bill to run the boundary line between Craven and Beaufort Counties—the bill to amend the Common School Law—the Resolution in favor of Joseph King—the bill to authorize Josiah O. Watson to erect a dam on Neuse River—and the Resolution authorizing the President and Directors of the Literary Fund, if they may deem it expedient, to appropriate five thousand dollars for the purpose of draining swamp lands in the county of Carteret, known as the "open ground prairie," were each read three times and ordered to be engrossed.

The Senate then adjourned.

HOUSE OF COMMONS.

A message was received from the Senate transmitting a communication from his Excellency the Governor, enclosing a letter from the British Consul at Charleston, relative to the police regulations of the State, which was referred to the committee on the Judiciary.

Mr. Webb moved that the bill to appoint tax-gatherers for each county in the State, be taken up and made the order for tomorrow night at 7 o'clock. Lost.

Mr. Williams of M., a bill providing for the incorporation of plank roads. Referred to the committee on the Judiciary.

Mr. Walton, a bill to restore trials by jury to the County Court of Burke. Read and laid on the table.

Mr. Hayes of Cherokee, a resolution in favor of Jennings Pigott, which was referred to the committee on Claims.

Mr. Fleming, a bill to lay off a Public Road in the county of Yancy. Read and laid on the table.

On motion of Mr. Pigott, the House agreed that no private bills should be introduced after Saturday.

Mr. Hill of N. H., a bill to amend the act of 1818, relating to the appointment of Magistrates in the town of Wilmington. Referred to the committee on the Judiciary.

REPORTS FROM COMMITTEES.
Mr. Rayner from the committee on Internal Improvements, reported the bill to open and improve the road from Wilkesborough by Boone to the Tennessee line, which was laid on the table.

Also, in favor of the bill to incorporate the Western Plank Road Company; several amendments were offered, which were adopted, and the bill passed its second reading.

Also, in favor of the bill to incorporate the Yadkin Navigation Company.

Mr. Rayner offered an amendment that the charter should be void if not accepted in two years. Mr. McLean, Mr. Stevenson, Mr. Leach of Davidson, and Mr. Caldwell of G., opposed the amendment. Finally it was agreed that the time for accepting the charter should be limited to four years.

Mr. Gordon offered an amendment that the State should subscribe \$100,000 to said Company, when \$100,000 have been subscribed by individuals, providing also for the appointment of Directors on the part of the State, &c.

Mr. Gordon advocated the amendment at length, and stated the importance of the amendment. Mr. McLean opposed it on the ground that the condition of the Finance of the State would not justify the appropriation at this time. Mr. McLean replied and advocated the bill. Mr. Caldwell of G. also advocated the appropriation. Mr. Gordon replied to Mr. McLean. The amendment was rejected—yeas 28, nays 78.

Mr. Douthitt moved an amendment to protect the mill dams on the river, which was agreed to.

The bill then passed its second reading.

The special order was then taken up being the bill to incorporate the Raleigh and Gaston Railroad, which was read, when the hour of 14 o'clock having arrived, the House took a recess.

THREE O'CLOCK, P. M.

The special order for the day was taken up, being the bill to incorporate the Orange Railroad, and the Yadkin improvement, which after explanation of Mr. Leach of Davidson, passed its second reading.

On motion of Mr. Fleming, the bill to repeal the act of 1816-7 restricting the State, was taken up and made the order of the day for Saturday.

The consideration of the bill to incorporate the Raleigh and Gaston Railroad was resumed, the question being on the amendment offered by Mr. Saunders of W.

Mr. Kelly offered an additional amendment requiring the subscribers to subscribe the whole amount of \$100,000.

Mr. Stevenson spoke at length and opposed the reconstruction of the Raleigh and Gaston Railroad. He opposed it as being a ruinous policy for the State of North Carolina. The State had invested \$2,000,000 in the Central Railroad, and now it would be suicidal to build up Virginia cities with it. It ought to be constructed in such a way as to benefit her own cities.

Mr. Saunders of W. replied to some of his positions, when the House took a recess.

SEVEN O'CLOCK, P. M.

On motion of Mr. Cherry, the bill to lay off a road from the Virginia line through Gap Civil, was reconsidered.

Mr. McMillan moved to strike out \$100,000 as appropriation on the part of the State, and insert \$500, which amendment was adopted. The bill was then rejected—yeas 38, nays 45.

Mr. Bridgers moved that the bill to facilitate the collection of rents be reconsidered, and moved also that that motion be laid on the table, which motion prevailed.

On motion of Mr. Rayner, the bill to incorporate the Raleigh and Gaston Railroad was taken up.

Mr. Rayner replied at length to Mr. Stevenson in favor of the Road.

Mr. Avery offered an amendment that the individuals stockholders shall pay in the whole \$100,000. With this amendment he took the floor, and opposed the passage of the bill without considering it, he gave way to a motion to adjourn, and the House adjourned.

SENATE.

Friday, January 17, 1851.

The Senate met according to adjournment.

REPORTS FROM COMMITTEES.
Mr. Barringer, from the committee on Propositions and Grievances, to whom was referred the memorial of sundry citizens of Caldwell and Watauga counties, praying that a part of Caldwell be attached to Watauga, reported a bill for the purpose, and recommended its passage. Read first time.

Mr. Barringer, from the Judiciary committee, reported the bill to regulate proceedings when the estate of a deceased person is in doubt, and recommended its rejection. Laid on the table. Also, the Resolution inquiring whether the tax imposed on the several Bank charters are only premiums paid for the banking privileges granted, or as a guaranteed exchange from all other taxation, and asked to be discharged from all other taxation. Discharged.

Mr. Joyner from the committee on Internal Improvements, to which was referred the bill to incorporate the Northern Central Railroad Company, reported the same and recommended its passage. Laid on the table.

BILLS, RESOLUTIONS, &c.
Mr. Washington, a bill to take the sale of vehicles out of the jurisdiction of the State. Read first time.

The bill to incorporate a Bank in the town of Wadesborough, was read the third time and ordered to be engrossed.

On motion of Mr. Bower, the engrossed Resolution to the Commons [Mr. Erwin's] in relation to a Tariff for protection, [were taken up, and read the third time and ordered to be engrossed.]

The Equal Suffrage bill, engrossed, was received from the Commons, and was returned to that body for the necessary certificate of engrossment.

BILLS ON THIRD READING.

The bill to lay off public roads in Rutherford County—the bill to extend the corporate limits of the town of Jacksonville—the Resolution in relation to the State Arsenal—the Resolution authorizing the Literary Board to loan three thousand dollars to the Clinton Female Institute—the bill for the better government of Elizabeth City—the bill to incorporate Canton Chapter of Freemasons—the bill to incorporate Person Lodge—the bill to incorporate the Lagrange Mining and Transportation Company—the bill to incorporate the Governor's Creek Steam Transportation and Mining Company—and the bill to incorporate the Mining and Transportation Company, were read three times and ordered to be engrossed.

EQUAL SUFFRAGE.

The Equal Suffrage bill, with the certificate of engrossment, was received from the Commons; and said bill was read the first time and passed.

On motion of Mr. Barringer, said bill was made the special order for to-morrow at 11 o'clock.

BILLS ON THIRD READING.

The bill to incorporate the Pittsburgh Mining and Transportation Company—the bill to incorporate

the Deep River Mining and Transportation Company—the bill to incorporate Contention Lodge I. O. O. F.—the bill to incorporate Radianna Lodge—the bill authorizing H. Anders to collect arrears of taxes—the bill to incorporate the Dibble Steamboat Company—the bill concerning debts of trust and marriage settlements—the bill for the better regulation of the Warden of the Poor for the County of Duplin—the bill to incorporate the Barrowdale Mining and Transportation Company—the bill to extend the jurisdiction of Justices of the Peace in certain cases—the bill for the better administration of justice in Carteret County—the bill to amend the act establishing the Commercial Bank of Wilmington—the bill for the better protection of *James cover*—and the bill to amend the act extending the limits of the town of Wilmington, were read three times and ordered to be engrossed.

The bill requiring committees of finance to pass upon all County claims, was read the third time and rejected.

Mr. Eborn introduced a bill to amend and carry into effect the first section of the act incorporating the North Carolina Rail Road Company.

The bill to compensate the Clerk of the Public Treasurer for additional duties performed by him, was read the second time and passed—yeas 29, nays 13.

The Senate then took a recess.

THREE O'CLOCK, P. M.

The Senate re-assembled.

REPORTS FROM COMMITTEES.
Mr. Barringer, from the committee on Propositions and Grievances, to whom was referred a Resolution relating to the contested election before the Senate at the session of 1848-9, from Orange county, between John Berry and Hugh Waddell, and instructing them to audit the amount of legal expenditures paid by each of said parties for the attendance of witnesses, &c.—reported Resolutions in favor of the said Berry and Waddell, which were read the first time and passed.

Mr. Woodfin, from the Judiciary committee, reported the bill to establish a Superior Court of Law and Equity for Watauga county, and recommended its passage. Laid on the table. Also, reported a Resolution in favor of Abraham Rencher and Charles Manly, and recommended its passage. Read first time.

BILLS, RESOLUTIONS, &c.

The bill to alter the line between the counties of Buncombe and Henderson, was read the third time and ordered to be engrossed.

A number of bills, which will be noticed on their third reading, were read the second time and passed.

The bill for the improvement of ship navigation in New River—the bill to allow the State to challenge juries; a bill to extend the right of appeal; a resolution in favor of Wm. H. Whitson; a bill to incorporate the town of Taylorsville; a resolution in favor of J. G. Dickson; a resolution in favor of H. D. Spirey; a resolution in favor of John N. Curtis; a bill to repeal the law respecting slaves; a resolution in favor of Jesse Selig; a bill to emancipate Lucy, a slave, and her child Lacy; a bill to improve Upper Little River in the County of Cumberland; a resolution relative to a hydrographic survey of the waters between Pamlico Sound and Beaufort harbor; a bill to incorporate the Tennessee River R. R. Co., in the County of Macon; a bill to incorporate the Albemarle and Currituck Canal Company; resolutions instructing Adjutant General to muster rolls from Washington City, for which M. C. Hill of New Hanover offered a substitute, which was adopted; a bill supplementary to the bill to lay off the County of Yadkin; a bill to lay off a road from Taylorsville to Caldwell county; a resolution in favor of Savannah Fox; a bill to incorporate the Roanoke Valley Railroad Company; a bill to incorporate Tar River Academy; a bill relating to the Salisbury Female Academy; a bill to incorporate the Western Plank Road Company; and a bill to incorporate the Yadkin Navigation Company.

The bill to lay off a new County by the name of Wilson was taken up and read, when

Mr. Barnes of E. moved an amendment, to strike out the clause leaving the erection of the new county to a majority of the voters in Edgecombe, Wayne, Johnston and Nash, and to insert a clause leaving it to a majority of the voters in the proposed new county. Mr. Barnes said as the bill stood now it was worthless.

Mr. Taylor opposed the passage of the bill altogether.

Mr. Sherard hoped the amendment would be adopted. He thought it perfectly right that the people within the proposed new County, should have one or not, as they wished.

The bill then passed its third reading—yeas 52, nays 18. The House, at 10 o'clock, adjourned.

SENATE.

Saturday, January 18, 1851.

The Senate met according to adjournment.

REPORTS FROM COMMITTEES.
Mr. Woodfin, from the committee on Propositions and Grievances, reported the bill authorizing the election of judges in Onslow, and recommended its passage. Ordered to be laid on the table.

Mr. Drake, from Committee on Claims, reported unfavorably the message from the Governor with the memorial of David Patton, late architect and superintendent for the rebuilding of the State Capitol, and asked to be discharged from the further consideration of the subject. Discharged.

BILLS, &c.

Mr. Bynum, a bill to repeal the act passed at the session of 1816-7, to repeal the act establishing the County of Polk, and also to repeal the act passed at the session of 1848-9, entitled an act supplemental to the amended Constitution, repealing the law establishing the County of Polk. Read first time.

Mr. Bynum, sundry memorials from Rutherford County, praying the restoration of the County of Polk. Laid on the table.

The engrossed bill relative to purchasers of Cherokee lands, securing debts due the State and authorizing the sale of lands surrendered to the State under an act of 1814-7 and 1846-7, was read 2d time and made the special order for Monday next.

EQUAL SUFFRAGE.

The hour of eleven having arrived, the Speaker announced as the special order of the day the engrossed bill from the Commons, to amend the Constitution of the State. The bill is as follows:

Whereas, the freehold qualification now required for the election of members of the Senate, conflicts with the fundamental principles of liberty; therefore

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same—three-fifths of the whole number of members of each house concurring—That the second clause of the third section of the first Article of the amended Constitution, ratified by the people of North Carolina on the second Monday of January, A. D. 1835, be amended by striking out the words "and possessed of a freehold within the same district, of fifty acres of land for six months next before and at the day of election;" so that the said clause of said section, shall read as follows: 2. All free men of the age of twenty-one years (except as is herein after declared) who have been inhabitants of any one district within the State for twelve months immediately preceding the day of any election, shall be entitled to vote for a member of the Senate.

Be it further enacted, That the Governor of the State be, and he is hereby directed to issue his proclamation to the people of North Carolina, at least six months before the next election, for members of the General Assembly, setting forth the purpose of this bill and the amendment to the Constitution herein proposed; which proclamation shall be accompanied by a true and perfect copy of the bill authenticated by the certificate of the Secretary of State, and both the proclamation and the copy of this bill the Governor of the State shall cause to be published in all the newspapers of this State, and posted in the court houses of the respective counties in this State, at least six months before the election of members to the next General Assembly.

Mr. Barringer offered an amendment providing for the election of Justices of the Peace by the people.

Mr. Barringer spoke at some length against amending the Constitution by legislative enactment, and in favor of an open Convention. If such a Convention could not be had, then he would go for carrying out certain measures—Equal Suffrage, Judges by the people, &c. in this way. In that event, he should prefer to see all these measures included in one bill.

Mr. Clark said all he desired was to see gentlemen meet these questions in the proper way. If the plan of amending the Constitution by legislative enactment was wrong, as had been argued in certain quarters, this legislative mode could not remedy that wrong. The Constitution in this respect, could not be disregarded. This mode had been so established in that instrument, and it must remain as it was; and all

amendments against the mode, it struck him, were therefore irrelevant. If the Senator from Cabarrus desired to advance one or all of these measures, let him keep them separate, and let each measure stand or fall upon its own merits. This was the true course. He should therefore vote against the proposition of the Senator—not because he was opposed to it—but because he did not wish the question under consideration to be embarrassed.

Mr. Speight said the proposed amendment might be carried by a bare majority and would thus become a part of a measure which required three-fifths of the Senate to adopt. This would be unjust. He concurred with the Senator from Edgecombe that these questions ought to go to separate bills, and then stand or fall upon their own intrinsic merits. Suppose all these measures submitted to the people in one bill—what would be the result? Why, some would want Equal Suffrage, but not Judges and Justices by the people, and others would want Justices by the people, and not Equal Suffrage. He would desire Judges and Justices by the people, and then stand or fall upon their own intrinsic merits. Suppose all these measures submitted to the people in one bill—what would be the result? Why, some would want Equal Suffrage, but not Judges and Justices by the people, and others would want Justices by the people, and not Equal Suffrage. He would desire Judges and Justices by the people, and then stand or fall upon their own intrinsic merits.

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